

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

**FILED**

AUG 14 2001

CLERK  
U. S. DISTRICT COURT  
MIDDLE DIST. OF ALA.

JOYCE MARIE POWE,  
Plaintiff,

vs.

UNITED STATES DEPARTMENT  
OF TRANSPORTATION,  
Defendant.

CIVIL ACTION NO. 01-D-566-N

**O R D E R**

This cause is now presented to the court on the Recommendation of the Magistrate Judge, filed July 30, 2001, and plaintiff's objections, filed August 8, 2001.

It is CONSIDERED and ORDERED as follows:

1. That plaintiff's objections be and the same are hereby OVERRULED;

2. That the Recommendation of the Magistrate Judge be and the same is hereby ADOPTED, APPROVED and AFFIRMED; and

3. That the defendant's motion to dismiss be and the same is hereby GRANTED; and that plaintiff's motion to deny the motion to dismiss be and the same is hereby DENIED.

DONE this the 14<sup>th</sup> day of August, 2001.

John DeMont  
UNITED STATES DISTRICT JUDGE

**EOD**

8/14/01

<b>DEFENDANT'S EXHIBIT</b>
CASE NO. <u>05-cv-1140-WKW</u>
EXHIBIT NO. <u>3</u>

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